

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 126703
ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 EB-07 DOTE-00 CAB-02 CIAE-00
COME-00 DODE-00 INR-07 NSAE-00 EPG-02 FAA-00
INRE-00 NSC-05 NSCE-00 SS-15 SSO-00 TRSE-00 IO-13
H-01 /068 R

DRAFTED BY L/EB:PMICKEY/RW
APPROVED BY L:PTRIMBLE
EB/AVP-SKEITER
EUR/RPE-PLAASE
DOT/OST/OGC-PLARSEN
EB/TCA-JBILLER

-----012343Z 029153 /70

O 012315Z JUN 77
FM SECSTATE WASHDC
TO AMEMBASSY LONDON IMMEDIATE

LIMITED OFFICIAL USE STATE 126703

E.O. 11652: N/A

TAGS: EAIR, UK

SUBJECT: US-UK DRAFT CUSTOMS ARTICLE

1. OMISSION OF GROUND EQUIPMENT ASIDE, 27 MAY DRAFT UK
CUSTOMS ARTICLE APPEARS TO BE SIGNIFICANT STEP TOWARD
U.S. POSITION. SPECIFIC COMMENTS APPEAR BELOW.

2. RE PARA 10 REFTTEL, LOCATION OF BEST-EFFORTS COMMIT-
MENT ON NON-NATIONAL TAXES AND CHARGES IN DOING BUSINESS
ARTICLE SHOULD PRODUCE SAME COVERAGE AS U.S. DRAFT AND
THUS APPEARS ACCEPTABLE. REFERENCE IN DOING BUSINESS
PARAGRAPH TO CUSTOMS ARTICLE SHOULD COVER CIRCUMSTANCES
AS WELL AS ITEMS DESCRIBED IN CUSTOMS ARTICLE. DOT
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 126703

ANALYSIS OF STATE AND LOCAL TAXATION IN NY SHOULD BE
IN KUTSKY'S POSSESSION.

3. RE PARA 9 REFTTEL, PAN AM CONFIRMS EXCISE AND SALES
TAXES CITED ARE DRAWN TO COVER BA, BUT CANNOT CONFIRM
BA IS IN FACT ASSESSED. APPARENTLY APPLICATION OF SUCH
TAXES TO FOREIGN CARRIERS IS ON OCCASION WAIVED BASED

ON REPRESENTATIONS CONCERNING THEIR IMPLICATIONS FOR INTERNATIONAL AVIATION. TO DATE NO OFFICIAL COMPLAINTS HAVE BEEN RECORDED CONCERNING THESE TAXES.

4. RE ITEMS FOR GROUND EQUIPMENT SIDE LETTER LISTED PARA 2 REFTEL, PAN AM HAS SUGGESTED SEVERAL ADDITIONS, SOME OF WHICH MAY BE KNOWN TO AND INTENTIONALLY OMITTED BY U.S. DEL. PAN AM DEEMS THE FOLLOWING TO BE OF REAL SIGNIFICANCE:

(A) ADDITION OF "SPARES, COMPONENTS AND MATERIALS FOR SERVICING AND/OR REPAIR IN CONNECTION WITH ANY OF THE ABOVE ITEMS;"

(B) ADDITION OF "TEST EQUIPMENT FOR AIRCRAFT, AIRCRAFT ENGINES, AND AIRCRAFT INSTRUMENTS,"

(C) ADDITION OF "TRAINING MATERIALS AND DEVICES, INCLUDING AUDIO-VISUAL AIDS;"

(D) REVISION OF (J) TO COVER "SPECIALIZED RESERVATION, COMMUNICATION, SERVICE AND SECURITY EQUIPMENT, INCLUDING ELECTRONIC DEVICES;" AND

(E) ADDITION TO (B) OF HEATING AS WELL AS AIR-CONDITIONING UNITS.

OF LESSER SIGNIFICANCE ARE:

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 126703

(A) ADDITION OF "AND PLATFORMS" AFTER "STEPS" IN (A);

(B) ADDITION OF "AND REPAIR KITS" AT END OF (I); AND

(C) INCLUSION OF "WEIGHING DEVICES FOR CARGO."

5. FYI. THE ICAO ANNEX 9 RECOMMENDATION TO GRANT CUSTOMS EXEMPTION FOR GROUND HANDLING EQUIPMENT BINDS STATES PARTY TO THE CHICAGO CONVENTION. UNDER ARTICLE 38 CONTRACTING STATES MUST GIVE NOTICE TO ICAO IF THEY CANNOT COMPLY WITH ICAO STANDARDS AND PRACTICES. ALL EEC STATES ARE ICAO MEMBERS AND THUS COVERED BY THE ANNEX. OF THE EEC MEMBERS, UK, NETHERLANDS, FRG, FRANCE, BELGIUM, IRELAND HAVE FILED NOTICES WITH ICAO, THAT THEY WILL NOT OBSERVE PARA. 4.39 OF ICAO ANNEX 9. DENMARK, ITALY, AND LUXEMBOURG, HAVE NOT FILED SUCH NOTICES. PARA. 4.39 WOULD ALLOW DUTY FREE IMPORT OF GROUND HANDLING EQUIPMENT. DELEGATION CAN ARGUE THAT UK AND SIMILAR EEC COUNTRIES ARE OUT-OF-STEP WITH ICAO

UNIFORM STANDARDS. IF UK COMPLIANCE WOULD INVOLVE MAJOR
EFFORT TO BRING EEC MEMBERS INTO LINE, THEN UK COULD
MAKE COMMITMENT TO CHANGE CURRENT EEC PRACTICE.

6. "TAXES" SHOULD BE ADDED TO LIST OF CHARGES COVERED
BY EXEMPTION IN SECOND PARAGRAPH OF UK DRAFT.
HABIB

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, TEXT, AGREEMENT DRAFT, CUSTOMS DUTIES, GOVERNMENT REACTIONS, TRADE AGREEMENTS
Control Number: n/a
Copy: SINGLE
Sent Date: 01-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE126703
Document Source: CORE
Document Unique ID: 00
Drafter: PMICKEY/RW
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770195-0973
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197706101/aaaadkgg.tel
Line Count: 123
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 4fd40773-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 01-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1997665
Secure: OPEN
Status: NATIVE
Subject: US-UK DRAFT CUSTOMS ARTICLE
TAGS: EAIR, UK, US
To: LONDON
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/4fd40773-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009